

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

HOPPE ET AL

:

REISSUE APPLICATION OF  
US PATENT 6,121,352

: ART UNIT:

ISSUED: SEPTEMBER 19, 2000

: EXAMINER:

FOR: DISPERSE AZO DYE MIXTURES:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

"EXPRESS MAIL" NO. EL 945321971 US

DATE: July 2, 2003

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED AND IS ADDRESSED TO : COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

J. LYNN FERRY  
(TYPED OR PRINTED NAME OF  
PERSON MAILING PAPER OR FEE)

*J. Lynn Ferry*  
(SIGNATURE OF PERSON MAILING  
PAPER OR FEE)

**REISSUE PETITION, DECLARATION  
AND POWER OF ATTORNEY**

I, am authorized to act on behalf of the assignee (DyStar Textilfarben GmbH & Co. Deutschland KG) ("DyStar"). The entire title to the patent identified above is vested in DyStar. I hereby declare that:

1. DyStar the assignee of the subject matter which is described and claimed in the above-identified United States Patent, and for which a reissue patent is here sought, the specification of which is attached hereto.

2. I have reviewed and understand the contents of the above-identified specification, including the claims and the specification as amended by any amendment presented in the above application.

3. I acknowledge the duty to disclose information which is material to

patentability as defined in Title 37, Code of Federal Regulations, 1.56(a).

4. I hereby request that we may be allowed to surrender and do hereby assent to surrender the above-identified Patent and request that the Patent may be reissued.

5. I verily believe that the above-identified original Patent is wholly or partially invalid for by reason of the patentee claiming more than the patentee is entitled to claim. I was not aware of the following prior art references prior to the issuance of this patent. DyStar claimed more than DyStar was entitled to claim. I became aware of prior art during a European opposition proceeding that claims benefit to the same priority document as the above issued patent. The European opposition proceeding occurred after the U.S. patent was granted. The Prior art that was cited in the European opposition proceeding is as follows:

1. CAS abstract 114:145436 (CN-A-1 036 974)
2. JP 60-015460
3. Abstract of JP 60-015460 from "Patent Abstracts of Japan"
4. Shade Card on Foronschwarz RD-3G 300 from Sandoz
5. DD 229422 A1
6. EP 0 240 902 A1
7. EP 0 475 089 A1
8. GB-A 2,030,169
9. Chemical Engineering Product Handbook - Dyes, Organic Pigments, 2<sup>nd</sup> ed. 1995, pages 578 and 579 (copy of Chinese original and English translation enclosed).

I believe that claim 1 was too broad in view of this prior art. In particular, DyStar has narrowed the definition of R<sup>3</sup> and R<sup>4</sup> in view of the above prior art.

6. Every error in the patent which was corrected in the present reissue application arose without any deceptive intention on the part of the applicant.

7. I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also

identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s) for which Priority is Claimed

<u>198 12 615</u> (Number)	<u>Germany</u> (Country)	<u>03/23/97</u> (Month/Day/Year)
<u>198 16 056</u> (Number)	<u>Germany</u> (Country)	<u>04/09/97</u> (Month/Day/Year)

8. I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

<u>09/271,820</u> Serial No.	<u>March 18, 1999</u> Filing date	<u>U.S. 6,120,352</u> Status
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9. The names, addresses and citizenship of the inventors are as follows:

Manfred Hoppe - Josef-Rendl-Gasse 14, A - 2361 Laxenburg, Austria

Citizenship- German

Kiyoshi Himeno- 6 Richmond court, 93 Gatley Road, Cheadle; Cheshire SK8 1LX, GB

Citizenship- Japan

Ryouichi Sekioka - 4 – 15 Hanao-cho, Yahatahigashi, Kitakyusyu-city 805-0065, Japan

*(this is his last known address)*

Citizenship - Japan

All of the inventors' mailing address is as follows:

DyStar Textilfarben GmbH & Co.  
Deutschland KG  
Industriepark Höchst, Building B598  
65926 Frankfurt am Main  
Germany

10. The above named inventors are joint inventors of the claimed invention (37 CFR 1.63(a) (4)).

11. I believe that the above named inventors to be the original and first inventors of the subject matter claimed and for which a patent is sought.

12. As the assignee, we hereby appoint the following attorneys or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: In the matter of the above-identified application, please recognize the attorneys associated with **CUSTOMER NUMBER 23416**; all of **CONNOLLY BOVE LODGE & HUTZ LLP**, as my attorneys with full power of substitution and revocation.

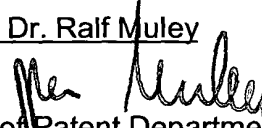
Direct all further correspondence and communications to:  
**CONNOLLY, BOVE, LODGE & HUTZ, LLP**  
1220 MARKET STREET  
P. O. BOX 2207  
WILMINGTON, DE 19899  
(302) 658-9141

13. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and

further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Representatives for DyStar Textilfarben GmbH & Co. Deutschland KG

Full Name: Dr. Ralf Muley

Signature: 

Title: Head of Patent Department

Date:

May 28, 2003

Full Name: Dr. Erika Kunz

Signature: 

Title: Authorized Signatory

Date:

May 28, 2003

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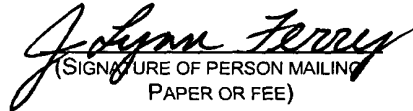
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J. LYNN FERRY  
(TYPED OR PRINTED NAME OF  
PERSON MAILING PAPER OR FEE)

  
(SIGNATURE OF PERSON MAILING  
PAPER OR FEE)

**ASSENT OF ASSIGNEE UNDER 37 CFR ' 1.173(a)**

Sir:

1. Pursuant to 37 CFR ' 3.73, I certify that the below-named Assignee is the assignee of the entire right, title and interest in the above-identified original patent, by virtue of the assignment of rights from the inventor as set forth below.

2. I have reviewed the assignment and, to the best of my knowledge and belief, the Assignee retains title to the above-identified original patent.

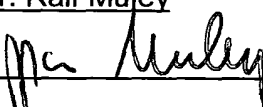
3. I am authorized to act on behalf of the below-identified Assignee.

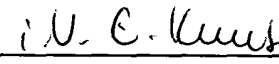
4. The Assignee hereby assents to the accompanying application to reissue the above-identified patent.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Assignee: DyStar Textifarben GmbH & Co.

Person Signing for Assignee:

Full Name: Dr. Ralf Muley  
Signature:   
Title: Head of Patent Department  
Date: May 28, 2003

Full Name: Dr. Erika Kunz  
Signature:   
Title: Authorized Signatory  
Date: May 28, 2003